

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AARON M. WRIGHT,	§
	§ No. 113, 2009
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0802015192
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 13, 2009

Decided: August 18, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

**ORDER**

This 18<sup>th</sup> day of August 2009, upon consideration of the appellant's opening brief filed pursuant to Supreme Court Rule 26(c), his attorney's motion to withdraw, and the State's response thereto, it appears to the Court that:

(1) The defendant-appellant, Aaron M. Wright, was found guilty by a Superior Court jury of Assault in the Second Degree, Assault in the Third Degree, Unauthorized Use of a Vehicle, two counts of Offensive Touching, Criminal Mischief, and Disorderly Conduct. He was sentenced to a total of 10 years and 60 days of Level V incarceration, to be suspended after 10 years for decreasing levels of supervision. This is Wright's direct appeal.

(2) Wright's counsel on appeal has filed a brief and a motion to withdraw pursuant to Rule 26(c). Wright's counsel asserts that, based upon a complete and careful examination of the record, there are no arguably appealable issues. By letter, Wright's attorney informed him of the provisions of Rule 26(c) and provided Wright with a copy of the motion to withdraw and the accompanying brief. Wright also was informed of his right to supplement his attorney's presentation. Wright has not raised any issues for consideration by this Court. The State has responded to the position taken by Wright's counsel and has moved to affirm the Superior Court's judgment.

(3) The standard and scope of review applicable to the consideration of a motion to withdraw and an accompanying brief under Rule 26(c) is twofold: (a) the Court must be satisfied that defense counsel has made a conscientious examination of the record and the law for arguably appealable issues; and (b) the Court must conduct its own review of the record and determine whether the appeal is so totally devoid of at least arguably appealable issues that it can be decided without an adversary presentation.<sup>1</sup>

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<sup>1</sup> *Penson v. Ohio*, 488 U.S. 75, 83 (1988); *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 442 (1988); *Anders v. California*, 386 U.S. 738, 744 (1967).

(4) The Court has reviewed the record carefully and has concluded that Wright's appeal is wholly without merit and devoid of any arguably appealable issues. We also are satisfied that Wright's counsel has made a conscientious effort to examine the record and the law and has properly determined that Wright could not raise a meritorious claim in this appeal.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED. The motion to withdraw is moot.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice